

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

TIMOTHY C. HARRY and KAREN C.  
HARRY,

*Plaintiffs,*

v.

CIVIL ACTION NO. 16-10895

AMERICAN BROKERS CONDUIT, APEX  
MORTGAGE SERVICES, FIDELITY  
NATIONAL TITLE GROUP, AMERICAN  
HOME MORTGAGE SERVICING, INC.,  
DEUTSCHE BANK NATIONAL TRUST  
COMPANY AS TRUSTEE FOR AMERICAN  
HOME MORTGAGE ASSETS TRUST 2007-2  
MORTGAGE-BACKED PASS-  
CERTIFICATES, SERIES 2007-2,  
HOMEWARD RESIDENTIAL, MORTGAGE  
ELECTRONIC RECORDING SYSTEM, INC.,  
OCWEN LOAN SERVICING and KORDE &  
ASSOCIATES,

*Defendants.*

**DEFENDANTS AMERICAN HOME MORTGAGE SERVICING, INC., DEUTSCHE  
BANK NATIONAL TRUST COMPANY AS TRUSTEE FOR AMERICAN HOME  
MORTGAGE ASSETS TRUST 2007-2 MORTGAGE-BACKED PASS-THROUGH  
CERTIFICATES, SERIES 2007-2, HOMEWARD RESIDENTIAL, INC., MORTGAGE  
ELECTRONIC REGISTRATION SYSTEMS, INC. AND OCWEN LOAN SERVICING,  
LLC'S MOTION TO STRIKE EXHIBITS ATTACHED TO PLAINTIFFS' OPPOSITION  
TO DEFENDANTS' MOTION TO DISMISS**

Defendants American Home Mortgage Servicing, Inc. ("AHMSI"), Deutsche Bank National Trust Company, as Trustee for American Home Mortgage Assets Trust 2007-2, Mortgage-Backed Pass-Through Certificates Series 2007-2 ("Deutsche Bank as Trustee"), Homeward Residential, Inc. ("Homeward"), Mortgage Electronic Registration Systems, Inc. ("MERS") and Ocwen Loan Servicing, LLC ("Ocwen") (collectively, the "Defendants"), hereby move to strike certain documents attached as exhibits to Plaintiffs Timothy C. Harry and Karen

C. Harry's ("Plaintiffs") Opposition to Defendants' Motion to Dismiss ("Opposition"), and portions of the Opposition referencing these documents.

As grounds for their motion, Defendants state that Plaintiffs erroneously attempt to rely on extraneous documents for the purpose of bolstering their frivolous claims against the Defendants. Specifically, in support of their Opposition, Plaintiffs attach a report entitled "McDonnell Property Analytics, Inc. Executive Summary Report" ("McDonnell Report"), the addendum to the McDonnell Report ("Addendum"), and a complaint filed by the Commonwealth of Massachusetts against three banking institutions (none of which are the Defendants) based on the findings contained in the McDonnell Report ("Attorney General Complaint"). (Opposition, Ex. A-C, respectively.) Plaintiffs' reliance on these documents is misplaced because they are documents outside of the Plaintiffs' Amended Verified Complaint and, thus, cannot be considered by this Court. Further, none of the documents fall under any of the narrow exceptions in which a court may review otherwise inadmissible documents for the purpose of deciding a motion to dismiss.

In support of their Motion to Strike, Defendants submit the attached memorandum of law.

*[SIGNATURE PAGE FOLLOWS]*

Respectfully submitted,

Attorneys for Defendants,

AMERICAN HOME MORTGAGE  
SERVICING, INC., DEUTSCHE BANK  
NATIONAL TRUST COMPANY AS TRUSTEE  
FOR AMERICAN HOME MORTGAGE ASSETS  
TRUST 2007-2 MORTGAGE-BACKED  
PASS-CERTIFICATES, SERIES 2007-2,  
HOMEWARD RESIDENTIAL, INC., MORTGAGE  
ELECTRONIC REGISTRATION SYSTEMS INC.  
and OCWEN LOAN SERVICING, LLC,

/s/ Vanessa V. Pisano

Samuel C. Bodurtha, BBO #665755

Vanessa V. Pisano, BBO #679649

HINSHAW & CULBERTSON LLP

28 State Street, 24th Floor

Boston, MA 02109

Tel: (617) 213-7000 / Fax: (617) 213-7001

Email: sbodurtha@hinshawlaw.com

vpisano@hinshawlaw.com

**CERTIFICATE OF SERVICE**

I, Vanessa V. Pisano, hereby certify that the documents filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on October 3, 2016.

/s/ Vanessa V. Pisano

Vanessa V. Pisano